



FREDERICK COUNTY PLANNING COMMISSION

January 13, 2021

TITLE: **Westview South Clubhouse – Pool Construction Phasing**

FILE NUMBER: **SP98-36, AP SP260581**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval to revise the pool construction phasing condition on the 0.96-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5041 Judicial Way, intersection of Macon Street and Continental Drive
MAP/PARCEL: Tax Map 86, Parcel 269
COMP. PLAN: ORI – Office/Research Industrial
ZONING: MXD – Mixed Use Development
PLANNING REGION: Frederick
WATER/SEWER: W3/S3

APPLICANT/REPRESENTATIVES:

APPLICANT: D.R. Horton, Inc.
OWNER: WVS Parcel 400, LLC
ENGINEER: Harris Smariga & Associates
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Planning Commission Consideration**

Enclosures:

Exhibit #1 – Site Plan Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval to revise the pool construction phasing condition on the 0.96-acre Site. The existing uses on the parcel are a Civic Community Center (clubhouse) along Judicial Way, open space park area behind the clubhouse, and Townhouses along Judicial Mews.

During phase 1.1 and 1.2 of the Westview South Combined Preliminary/Site Plan (AP #14262 approved May 21, 2014), the applicant proposed a 40,000 sq. ft. neighborhood park in which the clubhouse and pool were not finalized to be included in the open space requirement. Condition #9 of the Site Plan approval states: *"A detailed amenities plan depicting development of the open space area within the development shall be submitted for review and approval by DPDR Staff prior to recordation of the Project's first residential lot. Any community center proposed as part of development of the open space area shall receive separate Site Development Plan approval prior to recordation of the first residential lot in Phase Two of the Project."*

A separate Site Plan (AP #15160 approved June 10, 2015) would be submitted for the clubhouse and pool and specify that the pool shall be completed prior to the issuance of the 450th building permit.

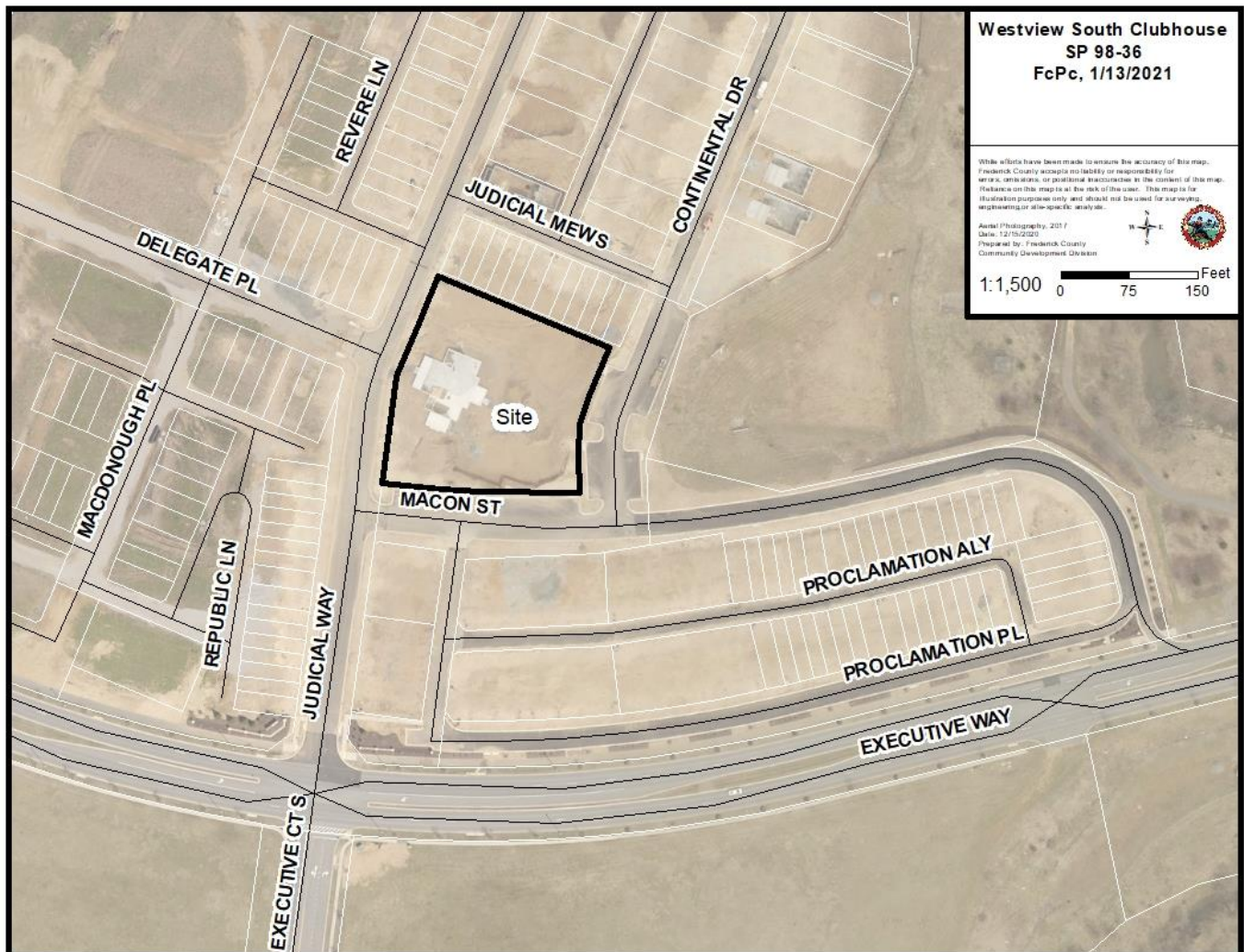
Revisions to the phasing conditions imposed by the Planning Commission must be approved by the Planning Commission. Currently the FCPC approved phasing condition for the pool construction is that it shall be completed prior to the 450th building permit. The Applicant is requesting the number of building permits to be revised to the 480th building permit or by May 15, 2021, whichever occurs first.

BACKGROUND

Development History

The overall Site was originally zoned Agricultural (A) from 1959 to 1987. In 1987, the overall Site was rezoned to Office/Research/Industrial (ORI). In 1994, the Site was zoned Mixed Use Development (MXD). See Graphic #1 below.

Graphic #1: Aerial

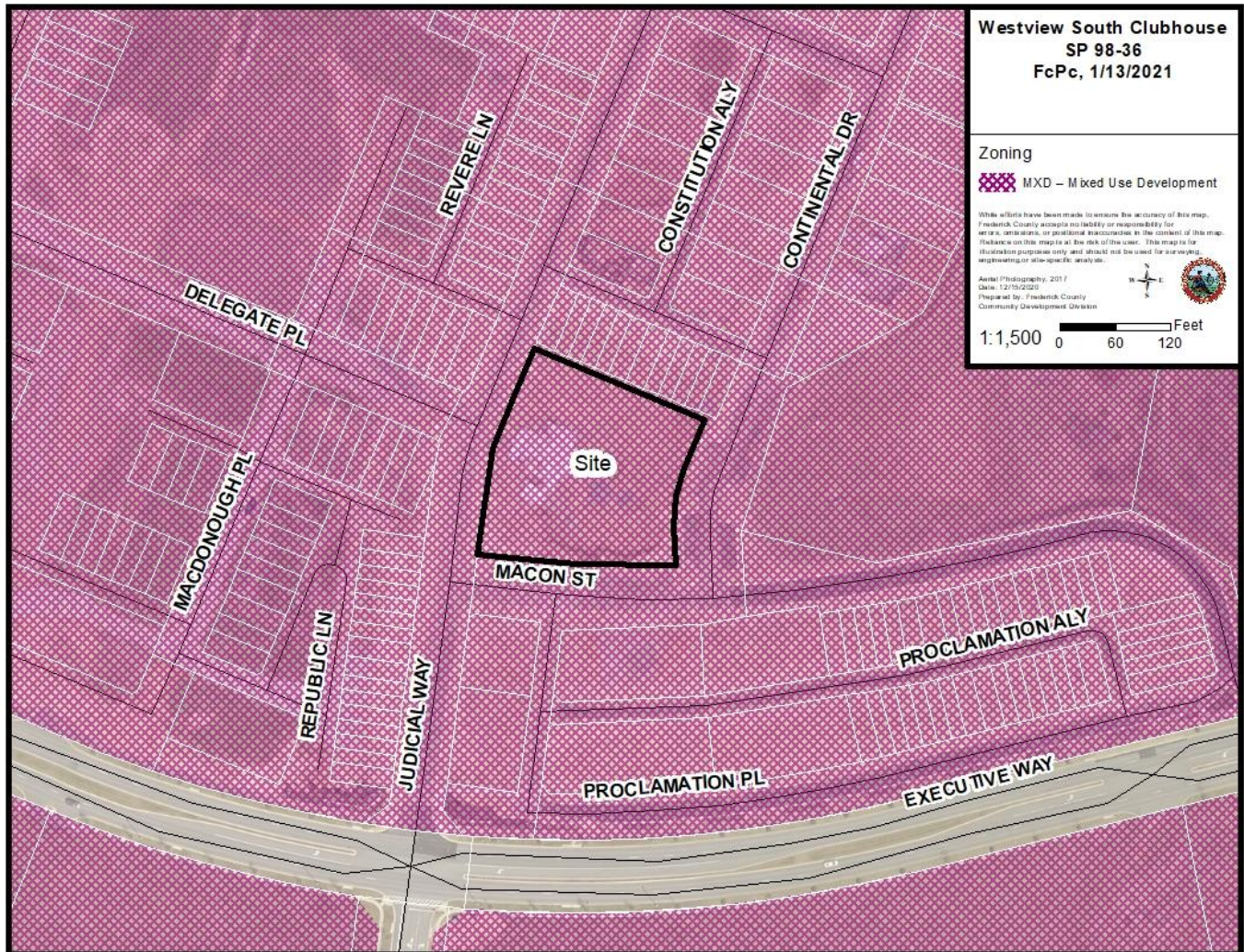


Existing Site Characteristics

The Site is zoned MXD, Mixed Use Development with a County Comprehensive Plan land use designation of Office/Research Industrial. Immediately surrounding and abutting the clubhouse and pool lot within the development are townhouses and multifamily units (all zoned MXD).

Beyond the boundaries of the residential development; west of the Site are the Kingsbrook and Robin Meadows residential developments and the Ballenger Creek Linear Park, east and north of the residential development is the Ballenger Creek Linear Park and commercial uses, including Westview Promenade. South of the residential development are commercial and employment uses. See Graphic #2 below.

Graphic #2: Zoning



ANALYSIS

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of Chapter 1-19 (Zoning) of the Frederick County Code (the "Code").

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards § 1-19-6.100 & 1-19-8.480:

The clubhouse and pool design requirements were approved in accordance with AP #15160, including 5 ft. front and side yard setbacks (the Site has three front yards and one side yard).

2. Signage §1-19-6.320: No signage is being proposed. No signage was proposed at the time of the clubhouse and pool application.

3. Landscaping §1-19-6.400: No new street trees, parking area buffering, screening and landscaping is being proposed. The existing layout of trees and landscaping are consistent with what was approved for the clubhouse/pool application.

4. Lighting §1-19-6.500: No new lighting is being proposed. There are existing building mounted and freestanding lights.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. Access/Circulation/Connectivity: The Site is fronted by two private streets (Macon Street and Continental Drive) and one public street (Judicial Way). There are no interior drive aisles or entrances for vehicles.

2. Public Transit: This Site is not served by public Transit.

3. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:

No new parking is being proposed. The clubhouse/pool application was approved to utilize parking spaces surrounding the Site and the users would originate from the surrounding neighborhood.

Loading Spaces:

A modification was permitted to eliminate an onsite loading space. It was anticipated that there would not be regular delivery to the facilities and the private use from the residents of the development would not require a designated loading space.

4. Pedestrian Circulation and Safety §1-19-6.220 (G): Sidewalks exist around the perimeter and

throughout the Site. Additional patio areas exist around the clubhouse and will be surrounding the pool area when constructed. No new sidewalk areas are proposed.

5. **Bicycle Parking §1-19-6.220 (H):** There are 14 existing bicycle racks split between the clubhouse and pool areas. No additional bicycle racks are required or provided.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

The Site is currently W-3 and S-3 yet is served by a public water and sewer system.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

There are no FEMA Floodplains, wet soils, or wetlands on the clubhouse/pool Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

The existing park area and clubhouse, in addition to the impending pool construction, are under ownership of the HOA.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A concept stormwater management plan was approved for the clubhouse/pool application.

APFO – Chapter 1-20: The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) was executed as part of the DRRA for Westview South, and an APFO exemption has been approved for the clubhouse/pool application (AP #15161) and this application (AP #A260451). The Amended APFO LOU was approved May 21, 2014.

Forest Resource – Chapter 1-21: The FRO plan for the Westview Combined Preliminary/Site Plan was approved in 2008 (AP #7278) and the required FRO easements have been recorded. A FRO exemption has been approved for the clubhouse/pool application (AP #15162).

Historic Preservation – Chapter 1-23: There are no historic buildings on the Site.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Planning</i>	Approved

The Applicant is requesting that the current phasing condition to complete the pool construction prior to the issuance of the 450th building permit to be revised to a new condition stating the pool construction must be completed prior to the issuance of the 480th building permit or by May 15, 2021, whichever occurs first. At the time of this report, 369 building permits have been issued and 121 building permits remain to be issued. The construction of the pool is pending at the time of this report. A pool permit (#314391) has been submitted and is currently under review.

The pool is the remaining item from the clubhouse application that is pending construction. The open space areas, clubhouse (including exercise and meeting rooms, and fitness center) have been constructed and the site plan has been vested.

RECOMMENDATION

Staff recommends that the Planning Commission consider the request to modify the previous condition requiring the pool construction to be completed prior to issuance of the 450th building permit to a new condition requiring the pool to be constructed and completed prior to issuance of the 480th building permit or by May 15, 2021, whichever occurs first.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

Based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting today, I move that the Planning Commission **APPROVE** Site Plan SP-06-07, AP SP260441 (APFO A260451; FRO F260452) to modify the previous condition requiring the pool construction to be completed prior to issuance of the 450th building permit to a new condition requiring the pool to be constructed and completed prior to issuance of the 480th building permit or by May 15, 2021, whichever occurs first.

MOTION TO DENY

Based on [add reasons for denial here] I move that the Planning Commission **DENY** Site Plan SP-06-07, AP SP260441 (APFO A260451; FRO F260452) to modify the previous condition requiring the pool construction to be completed prior to the 450th building permit to a new condition requiring the pool to be constructed and completed prior to the 480th building permit or by May 15, 2021, whichever occurs first.

Exhibit #1 - Site Plan Rendering

